

1 AN ACT in relation to criminal law.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Criminal Code of 1961 is amended by
5 changing Section 12-14 as follows:

6 (720 ILCS 5/12-14) (from Ch. 38, par. 12-14)

7 Sec. 12-14. Aggravated Criminal Sexual Assault.

8 (a) The accused commits aggravated criminal sexual
9 assault if he or she commits criminal sexual assault and any
10 of the following aggravating circumstances existed during, or
11 for the purposes of paragraph (7) of this subsection (a) as
12 part of the same course of conduct as, the commission of the
13 offense:

14 (1) the accused displayed, threatened to use, or
15 used a dangerous weapon, other than a firearm, or any
16 object fashioned or utilized in such a manner as to lead
17 the victim under the circumstances reasonably to believe
18 it to be a dangerous weapon; or

19 (2) the accused caused bodily harm, except as
20 provided in subsection (a)(10), to the victim; or

21 (3) the accused acted in such a manner as to
22 threaten or endanger the life of the victim or any other
23 person; or

24 (4) the criminal sexual assault was perpetrated
25 during the course of the commission or attempted
26 commission of any other felony by the accused; or

27 (5) the victim was 60 years of age or over when the
28 offense was committed; or

29 (6) the victim was a physically handicapped person;
30 or

31 (7) the accused delivered (by injection,

1 inhalation, ingestion, transfer of possession, or any
2 other means) to the victim without his or her consent, or
3 by threat or deception, and for other than medical
4 purposes, any controlled substance; or

5 (8) the accused was armed with a firearm; or

6 (9) the accused personally discharged a firearm
7 during the commission of the offense; or

8 (10) the accused, during the commission of the
9 offense, personally discharged a firearm that proximately
10 caused great bodily harm, permanent disability, permanent
11 disfigurement, or death to another person.

12 (b) The accused commits aggravated criminal sexual
13 assault if the accused was under 17 years of age and (i)
14 commits an act of sexual penetration with a victim who was
15 under 9 years of age when the act was committed; or (ii)
16 commits an act of sexual penetration with a victim who was at
17 least 9 years of age but under 13 years of age when the act
18 was committed and the accused used force or threat of force
19 to commit the act.

20 (c) The accused commits aggravated criminal sexual
21 assault if he or she commits an act of sexual penetration
22 with a victim who was a severely or profoundly mentally
23 retarded person at the time the act was committed.

24 (d) Sentence.

25 (1) Aggravated criminal sexual assault in violation
26 of paragraph ~~(1)~~ (2), (3), (4), (5), (6), or (7) of
27 subsection (a) or in violation of subsection (b) or (c)
28 is a Class X felony. A violation of subsection (a)(1) or
29 (a)(8) is a Class X felony for which 15 years shall be
30 added to the term of imprisonment imposed by the court. A
31 violation of subsection (a)(9) is a Class X felony for
32 which 20 years shall be added to the term of imprisonment
33 imposed by the court. A violation of subsection (a)(10)
34 is a Class X felony for which 25 years or up to a term of

1 natural life imprisonment shall be added to the term of
2 imprisonment imposed by the court.

3 (2) A person who is convicted of a second or
4 subsequent offense of aggravated criminal sexual assault,
5 or who is convicted of the offense of aggravated criminal
6 sexual assault after having previously been convicted of
7 the offense of criminal sexual assault or the offense of
8 predatory criminal sexual assault of a child, or who is
9 convicted of the offense of aggravated criminal sexual
10 assault after having previously been convicted under the
11 laws of this or any other state of an offense that is
12 substantially equivalent to the offense of criminal
13 sexual assault, the offense of aggravated criminal sexual
14 assault or the offense of predatory criminal sexual
15 assault of a child, shall be sentenced to a term of
16 natural life imprisonment. The commission of the second
17 or subsequent offense is required to have been after the
18 initial conviction for this paragraph (2) to apply.

19 (Source: P.A. 91-404, eff. 1-1-00; 92-434, eff. 1-1-02;
20 92-502, eff. 12-19-01.)